

transmitting new position data to the information unit only in the case of a negative result of the comparison of the area boundaries transmitted by the information unit with the position of the data carrier; and

interrogating the information unit from a third party for the position of the at least one data carrier.

4. (Amended) A method as claimed in Claim 3, wherein the position data transmitted by the data carrier is translated into area data in the information unit and the area in which the data carrier is located is stored in the information unit.

**IN THE DRAWINGS:**

Attached is a "Request For Approval of Drawing Changes" accompanying amended drawings showing the changes in red ink.

**IN THE ABSTRACT:**

**Please replace the Abstract with the following substitute Abstract, a copy of which is attached hereto on a separate sheet.**

--A locating system including: a position-determining system; at least one data carrier located in an area, the at least one data carrier including a position sensor, a transmitter and a receiver; an information unit which is remote from the at least one data carrier for storing area information and transmitting the area information to the at least one data carrier; wherein said at least one data carrier transmits its position to the information unit only in the case of initialization and movement of the at least one data carrier from the area and wherein a third party interrogates the information unit for the position of the at least one data carrier.--

**REMARKS**

Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner objects to the Drawings under 37 C.F.R. § 1.83(b) because the Flowchart does not include nomenclature commensurate with the specification to facilitate understanding of the invention. The Examiner suggests that the boxes be identified to render the flow diagram understandable. In response, the flow diagram of Figure 3, as well as Figures 1 and 2, have been amended to include descriptions in the boxes illustrated therein. Since the boxes are too small to fit the descriptions therein, the descriptions, in some instances are not contained in the boxes but connected thereto by a leader line. Formal drawings will be submitted upon the indication of allowable subject matter having larger boxes with the corresponding descriptions located in the boxes. Accordingly, it is respectfully requested that the objection to the Drawings under 37 C.F.R. § 1.83(b) be withdrawn.

In the Official Action, the Examiner objects to the Abstract because it exceeds 150 words. In response the Abstract has been replaced with a substitute Abstract having less than 150 words. The substitute Abstract is attached hereto on a separate sheet for the convenience of the Examiner. Accordingly, it is respectfully requested that the objection to the Abstract be withdrawn.

In the Official Action, the Examiner rejects claims 1-6 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claims 1 and 2, the Examiner argues that subsequent use of "the data carrier" or "said data carrier" is indefinite after the original definition of "at least one data carrier." In response, claims 1 and 2 have been amended to replace all occurrences of "the data carrier" or "said data carrier" with --at least one data carrier--. Also with regard to claim

1, the Examiner argues that "a change of area" recited in line 5 is indefinite because "area" is not sufficiently defined. In response, claim 1 has been further amended to define "area" and "a change of area" has been changed to --movement of the at least one data carrier from the area--. Also with regard to claim 2, the Examiner argues that "in particular" on line 2 renders the claim indefinite because it is unclear whether the limitation following the phrase is part of the claimed invention. In response, claim 2 has been further amended to delete "in particular."

With regard to claim 3, the Examiner argues that "the current area" on line 4 lacks antecedent basis. In response, claim 3 has been amended to change each occurrence of "the current area" to --the area--. With regard to claims 3 and 4, the Examiner argues that "the mobile data carrier" on lines 8 and 2, respectively, lack antecedent basis. In response, claims 3 and 4 have been amended to change "the mobile data carrier" to --the data carrier--.

With regard to claims 5 and 6, the Examiner argues that "applications interrogate" is indefinite as there is insufficient antecedent structure recited to render "applications" to do anything relative to the information unit. In response, claims 5 and 6 have been canceled thereby rendering their rejection moot. However, as discussed below, claims 1 and 3 have been amended to include the features of claims 5 and 6. In amended claims 1 and 3, "applications" has been changed to --a third party--. Those skilled in the art, from a reading of the specification, including the examples of applications on page 5, line 26 to page 6, line 6, would understand the "applications" to be "third parties." Thus, the interrogation does not come from the data carrier or information unit, but from a third party, such as a local computer network or a hauling company. Therefore, no new matter has been entered into the disclosure by way of the amendment to claims 1 and 3.

The claims have also been amended to improve their form and readability and to conform them to U.S. practice and style. No new matter has been entered in doing so.

In view of the above, it is respectfully requested that the rejection of claims 1-6 under 35 U.S.C. § 112, second paragraph, be withdrawn.

In the Official Action, the Examiner rejects claims 1 and 2 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,550,551 to Alesio (hereinafter "Alesio"). Furthermore, the Examiner rejects claims 1-6 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,365,451 to Wang et al., (hereinafter "Wang"). Lastly, the Examiner rejects claims 3-6 under 35 U.S.C. § 103(a) as being unpatentable over Alesio. In response, independent claims 1 and 3 have been amended to clarify their distinguishing features and to incorporate the features of original claims 5 and 6.

With regard to the rejections of claims 1-6 under 35 U.S.C. §§ 102(b) and 103(a) as anticipated by and unpatentable over, respectively, Alesio, Applicants respectfully submit that Alesio does not teach or suggest "area information is stored in an information unit which is remote from the at least one data carrier and can be transmitted to the at least one data carrier" as is recited in claim 1 and "position data is allocated to an area in the information unit, and the boundaries of the area are transmitted to the data carrier" as is recited in claim 3. Alesio discloses storing range limit data in a memory 206 in unit 108 (column 4, lines 49-50) not in remote dispatch center 112.

With regard to the rejections of claims 1-6 under 35 U.S.C. § 102(b) as anticipated by Wang, Applicants respectfully submit that Wang does not teach or suggest "a third party interrogates the information unit for the location of a data carrier" (emphasis supplied) as recited in claims 1 and 3, as amended.

With regard to the rejections under 35 U.S.C. § 102(b), a locating system and method of locating an object having the features described above and as claimed in independent claims 1 and 3, is nowhere disclosed in either Alesio or Wang. Since it has been decided that "anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,"<sup>1</sup> independent claims 1 and 3 are not anticipated by either Alesio or Wang. Accordingly, independent claims 1 and 3 patentably distinguish over both Alesio and Wang and are allowable. Claims 2 and 4 being dependent upon claims 1 and 3, are thus allowable therewith, claims 5 and 6 being canceled. Consequently, the Examiner is respectfully requested to withdraw the rejections of claims 1-6 under 35 U.S.C. § 102(b).

With regard to the rejection under 35 U.S.C. § 103(a), independent claim 3, as amended, is not rendered obvious by the cited references because the Alesio patent, whether taken alone or in combination with the knowledge of one of ordinary skill in the art, does not teach or suggest a method of locating an object having the features described above. Accordingly, claim 3, as amended, patentably distinguishes over the prior art and is allowable. Claim 4, being dependent upon claim 3 is thus allowable therewith, claims 5 and 6 being canceled. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 3-6 under 35 U.S.C. § 103(a).

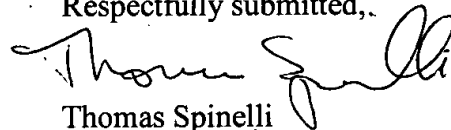
Attached hereto is a marked-up version of the changes made to the application by the current amendment. The attached page is captioned **"Version with Markings to Show Changes Made."**

---

<sup>1</sup> Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



Thomas Spinelli  
Registration No. 39,533

Scully, Scott, Murphy & Presser  
400 Garden City Plaza  
Garden City, New York 11530  
(516) 742-4343

TS/cm

Enclosures (Version with Markings to Show Changes Made,  
Request for Approval of Drawings Changes, and  
Substitute Abstract of the Disclosure)

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS:**

**Claims 5 and 6 have been canceled and the claims have been amended as follows:**

1. (Amended) A locating system comprising: [having]  
a position-determining system; [and]  
at least one data carrier located in an area, the at least one data carrier  
including a position sensor, a transmitter and a receiver[, characterized in that];  
[area information is stored in] an information unit which is remote from the at  
least one data carrier for storing area information and [can be transmitted] transmitting the  
area information to the at least one data carrier;  
[and] wherein said at least one data carrier transmits its position to the  
information unit only in the case of initialization and [a change] movement of the at least one  
data carrier from the area and wherein a third party interrogates the information unit for the  
position of the at least one data carrier.

2. (Amended) A locating system as claimed in Claim 1, [characterized in that  
the] wherein the at least one data carrier has a receiver for receiving [in particular] area  
boundaries corresponding to the area, and a memory for storing the area boundaries and  
absolute position data, and a comparator for [said data, and the information unit compares]  
comparing the position data with the area information [and] when the transmitter transmits the  
boundaries of the [current] area to the at least one data carrier.

3. (Amended) A method of locating an object provided with a data carrier located in an area, the method comprising:

the data carrier receiving position data from a position-determining system[, characterized in that];

the data carrier [transmits] transmitting position data to an information unit[, which position data is allocated];

allocating the position data to an area in the information unit[, and];

transmitting the boundaries of the [current] area [are transmitted] to the data carrier [and];

upon each movement of the data carrier comparing a [the current] position of the data carrier [is compared] with the boundaries of the [current] area; [and the]

transmitting new position data [being transmitted] to the information unit only in the case of a negative result of the comparison of the area boundaries transmitted by the information unit with the [current] position of the [mobile] data carrier; and

interrogating the information unit from a third party for the position of the at least one data carrier.

4. (Amended) A method as claimed in Claim 3, [characterized in that] wherein the position data transmitted by the [mobile] data carrier is translated into area data in the information unit and the [current] area in which the data carrier is located is stored in the information unit.